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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,998	09/16/2003	Derek Murashige	0009	1744

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EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/662,998	MURASHIGE ET AL.
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-63* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed on February 13, 2007.

2.   Claims 25-63 are presented. No claims added and claims 1-24 remain cancelled.

3.   Claims 25-63 are pending.

4.   Applicant's arguments filed February 13, 2007, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 25-32,34-43, and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bier (US Patent Application No. 20040261023) provisional filed June 20, 2003, in view of Dooley (US Patent Application No. 20020035611) filed on December 28, 2000.**

Regarding Claim 25, Bier discloses a program for increasing traffic flow to a Web site, comprising:

a means for receiving access to a Web site code, wherein a Web site comprises the Web site code ([0066], Bier). However, Bier is silent with respect

to a means for receiving a list of one or more search engines to submit the Web site to for registration. On the other hand, Dooley discloses a means for receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley)[1]. Bier and Dooley are analogous art because they are from the same field of the organization of information on the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dooley's teachings into the Bier system. A skilled artisan would have been motivated to combine as suggested by Dooley at [0010], in order to provide an information network on the Internet, wherein the information, products, and services of a website will be accessed in order to provide value to the website owner. As a result, obtaining high volume traffic at the least cost per visitor. Therefore, the combination of Bier in view of Dooley, disclose a means for analyzing the Web site code, wherein the means for analyzing the Web site code comprises a means for checking for a known factor in the Web site code used by a plurality of search engines in ranking a plurality of Web sites for registration ([0056], lines 36-46, Dooley); a means for causing the Web site code to be edited based on a result from the means for analyzing the Web site code ([0081], Bier); and a means for submitting the Web site, with the edited Web site code ([0192], Bier), for registration to the one or more search engines on the list ([0050], lines 12-18, Dooley).

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[1] Examiner Notes: An example of a list of one or more search engines are shown within Dooley at [0050],

Regarding Claim 26, the combination of Bier in view of Dooley, disclose the program wherein the means for causing the Web site code to be edited comprises manually editing the Web site code ([0155], Bier).

Regarding Claim 27, the combination of Bier in view of Dooley, disclose the program wherein the means for causing the Web site code to be edited comprises the program automatically editing the Web site code ([0014], Bier).

Regarding Claim 28, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for parsing through the Web site code ([0081], Bier).

Regarding Claim 29, the combination of Bier in view of Dooley, disclose the program further comprising a means for receiving a search phrase ([0046], lines 2-11, Dooley).

Regarding Claim 30, the combination of Bier in view of Dooley, disclose the program further comprising a means for automatically generating a search phrase for the Web site ([0051], Dooley).

lines 8-11.

Regarding Claim 31, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for reviewing the Web site for compatibility with a search phrase ([0046], Dooley).

Regarding Claim 32, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for reviewing a textual content of the Web site ([0008], Bier).

Regarding Claim 34, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for checking for a framed web page within the Web site ([0078], Bier).

Regarding Claim 35, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for checking for a graphic used to display a textual content ([0038], Dooley).

Regarding Claim 36, the combination of Bier in view of Dooley, disclose a process for increasing traffic flow to a Web site from one or more search engines, comprising the steps of:

a program receiving access to review a Web site ([0066], Bier), wherein a Web site code defines how a plurality of Web pages for the Web site will be displayed by a browser ([0078-0079], Bier);

the program receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley);

the program analyzing the Web site code ([0056], lines 36-46, Dooley);

the program facilitating a modification of the Web site code based on the analyzing of the Web site code ([0081], Bier) in order to increase a traffic flow to the Web site from at least one of the search engines on the list ([0027], Dooley); and

the program submitting the Web site for registration, having the modified Web site code ([0192], Bier), to the one or more search engines ([0050], lines 12-18, Dooley).

Regarding Claim 37, the combination of Bier in view of Dooley, disclose the process wherein the facilitating includes the step of the program listing a plurality of suggested edits to manually edit the Web site code ([0155], Bier).

Regarding Claim 38, the combination of Bier in view of Dooley, disclose the process wherein the facilitating includes the step of the program automatically modifying the Web site code ([0014], Bier).

Regarding Claim 39, the combination of Bier in view of Dooley, disclose the process wherein the program resides on a third party server accessible by an owner of the Web site ([0041], Dooley).

Regarding Claim 40, the combination of Bier in view of Dooley, disclose the process wherein the program resides on a personal computer accessible by an owner of the Web site ([0050], lines 1-8, Dooley).

Regarding Claim 41, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program receiving at least one search phrase from an owner of the Web site ([0046], lines 2-11, Dooley).

Regarding Claim 42, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program determining at least one search phrase ([0051], Dooley).

Regarding Claim 43, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program receiving at least one search phrase from a search phrase suggestion tool ([0055], Dooley).

Regarding Claim 45, the combination of Bier in view of Dooley, disclose

the process wherein the Web site code comprises HyperText Markup Language

([0066], Bier).

7.   **Claims 33,44, and 46-63, are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Bier (US Patent Application No. 20040261023) provisional filed

June 20, 2003, in view of Dooley (US Patent Application No. 20020035611) filed on

December 28, 2000, as applied to claims 25-32,34-43, and 45 above, and further in

view of Feeley (US Patent Application No. 20040068460) filed October 2, 2002.

Regarding Claims 33 and 44, the combination of Bier in view of Dooley,

disclose all of the claimed subject matter as stated above. However, Bier in view

of Dooley, are silent with respect a means for determining a spiderability of the

Web site. On the other hand, Feeley discloses a means for determining a

spiderability of the Web site ([0024], lines 8-13, Feeley). Bier, Dooley, and Feeley

are analogous art because they are from the same field of endeavor of Internet

search engines. It would have been obvious to one of ordinary skill in the art at

the time of the invention to incorporate Feeley's teachings into the Bier in view of

Dooley system. A skilled artisan would have been motivated to combine as

suggested by Feeley at [0029], lines 1-8, in order to provide a convenient way for

advertisers to maximize qualified consumer traffic to their web sites, and for

search engines to increase their revenue stream.

Regarding Claims 46,55, and 56, the combination of Bier in view of Dooley, and further in view Feeley, disclose a process for increasing traffic flow to a Web site from a search engine, comprising the steps of:

a program receiving access to review a Web site, wherein the Web site comprises a Web site code ([0066], Bier), wherein at least some of the Web site code defines how the Web site is to be displayed by a browser ([0078-0079], Bier);

the program receiving a first search phrase related to the Web site ([0046], Dooley);

the program receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley);

the program determining a ranking methodology used by at least one of the search engines on the list ([0023], lines 10-22, Feeley);

the program analyzing the Web site code using the determined ranking methodology ([0056], lines 36-46, Dooley);

the program facilitating a modification of the Web site code based on the analyzing the Web site code ([0081], Bier) to increase an expected traffic flow to the Web site from the search engine ([0027], Dooley); and

the program submitting the Web site for registration, having a modified Web site code ([0192], Bier), to the one or more search engines on the list ([0050], lines 12-18, Dooley).

Regarding Claims 47 and 57, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the facilitating includes

the step of the program listing suggested edits to manually modify the Web site

code ([0155], Bier).

Regarding Claim 48, the combination of Bier in view of Dooley, and further

in view Feeley, disclose the process further including the step of the program

automatically modifying the Web site code ([0014], Bier).

Regarding Claims 49 and 58, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the program resides on

a third party server accessible by an owner of the Web site ([0041], Dooley).

Regarding Claims 50 and 59, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the program resides on

a personal computer accessible by an owner of the Web site ([0050], lines 1-8,

Dooley).

Regarding Claims 51 and 60, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the first search phrase

is entered by an owner of the Web site ([0025], lines 2-10, Feeley), and further

comprising the step of the program determining a second search phrase ([0025], lines 10-14, Feeley).

Regarding Claims 52 and 61, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the first search phrase is entered by an owner of the Web site ([0025], lines 2-10, Feeley), and further comprising the step of receiving a second search phrase from a search phrase suggestion tool ([0055], Dooley).

Regarding Claims 53 and 62, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the analyzing the Web site code step includes checking a spiderability of the Web site code ([0024], lines 8-13, Feeley).

Regarding Claims 54 and 63, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the analyzing the Web site code step includes checking for a search engine parsing problem in the Web site code ([0048], lines 1-9, Dooley).

Response to Arguments

Applicant argues, Bier is nonanalogous art and the proposed modifications to Bier would render Bier unsatisfactory for its intended purpose.

Examiner respectfully disagrees. To begin, in response to applicant's argument that Bier is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bier is definitely pertinent to the particular problem with which it was relied upon as a basis for rejection of the claim language, which is to primarily show the use of receiving access to a Web site code, wherein the Web site comprises the Web site code. Further, in response to applicant's argument that the proposed modifications from Dooley to Bier would render Bier unsatisfactory for its intended purpose is improper. The test is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, the examiner strongly believes that the incorporation would provide an information network on the Internet, wherein the information, products, and services of a website will be accessed in order to provide value to the website owner. As a result, obtaining high volume traffic at the least cost per visitor.

Applicant argues, Bier does not disclose "a program for increasing traffic flow to a Web site".

Examiner respectfully disagrees. In response to applicant's arguments, the recitation "a program for increasing traffic flow to a Web site" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues, with respect to independent claims 25,36,46,55, and 56, wherein Dooley does not disclose "a program means for receiving a list of search engines".

Examiner respectfully disagrees. Specifically, applicants emphasize Dooley not teaching the claim language of <u>a program means for receiving</u>. To begin, in response to applicant's argument that Dooley does not disclose, "a program comprising", the examiner would like to point out that the particular claim language has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural

limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA

1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Also,

in response to the argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., 'a .

program means for') are not explicitly recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993). In particular, while the preamble does state a program, the actual claim

language merely states "a means for". However, the examiner would like to point out

that both Bier and Dooley discuss "a program" throughout their descriptions. In

particular, Bier discusses at paragraph [0066], wherein *"Fig. 3 illustrates an embodiment

of source code...lines of code include: optional HTML document structure tags..."* as

well as Dooley discussing within paragraph [0023], wherein *"programs and data, many

in the form of objects, may be made available for execution and access"*. As a result,

examiner interprets the above-cited passages as fully disclosing, "a program

comprising". Next, as stated in the action above, Dooley discloses at paragraph [0056],

lines 27-46, wherein *"In one embodiment, enhanced placement may be affected by

registration of website URLs with Internet search engines or brokers on their behalf"*,

along with an Examiner Note located within the Footnote, indicating an example of a list

of possible one or more search engines at paragraph [0050], lines 8-11, wherein *"The

user may also access a conventional search engine or browser (e.g., google.com,

yahoo.com, netscape.com, northerlight.com, etc.) and enter a search request"*. The

examiner interprets the accessing of a conventional search engine to correspond to the

act of receiving, and since there is only one search engine being accessed (i.e.,

received), then the search engine is produced. A further example for this particular

limitation can be found within Dooley at paragraph [0066], lines 5-15, wherein *"The*

major groupings of advantageous features of the information network of the present

invention include...registration of websites with search engines"; examiner interprets the

registration with search engines to further disclose the above argued limitation.

Applicant argues, neither Bier nor Dooley disclose "a program means for

analyzing Web site code for a known factor used by search engines".

Examiner respectfully disagrees. As stated in the action above, Dooley disclose

at paragraph [0056], lines 36-46, wherein *"In another embodiment, enhanced placement*

may be attained by the inclusion of a variety of additional software code elements (e.g.,

Java applets, cookies, and other elements) within the website(s) design, which may be

weighted favorably by search engines". Examiner interprets the 'attaining by the

inclusion of a variety of additional software code elements' to correspond to the

analyzing of the Web site code and also, the examples given for the software code

elements such as Java applets, cookies, and other elements within the websites design,

which is weighted favorable by search engines, to correspond to the known factors used

by search engines.

Applicant argues, with respect to independent claims 36,46,55, and 56, that

neither Dooley nor Bier, teach "a program facilitating a modification of the Web site code

to increase traffic flow".

Examiner respectfully disagrees. As stated in the action above, Bier discloses at

paragraph [0081], wherein *"the method for converting input web pages to Sparrow Web*

type web pages...where the web page coding is detected and revised...the revised web

page code is parsed into tokens...some tokens in the parsed revised web page code

are marked as candidates to be included in editable regions". Examiner interprets the

converting input web pages into Sparrow web pages where the coding is revised to

correspond to facilitating a modification of the Web site code. Next, Dooley discloses at

paragraph [0027], wherein *"Not only may multiple hyperlinks into a website drive traffic*

into it, but multiple hyperlinks within a website are likely to be weighted (favorably) by

some Internet search engine algorithms...In addition, the information network may

provide high volume traffic, due to synergy of the information network with a plurality of

websites, domain names, and URL redirects, such that the traffic volume may be

positively recognized and weighted favorable by some Internet search engines".

Examiner interprets the multiple hyperlinks and redirects, which drive traffic into

websites as corresponding to the increase in traffic flow. Even further, Dooley discloses

at paragraph [0056], lines 34-41, wherein *"enhanced placement may be affected by*

search engines recognition of established high volume traffic into a given website,

regardless of how that traffic was generated...enhanced placement may be attained by

the inclusion of a variety of additional software code elements (e.g., Java applets,

cookies, and other elements) within the websites design, which may be weighted

favorable by search engines". As such, examiner interprets the inclusion of a variety of

additional software code elements for enhanced placement in order to establish high

volume traffic to correspond to the facilitation of a modification of the Web site code as a

way of increasing traffic.

Applicant argues, neither Bier nor Dooley teach "the program submitting the Web

site for registration".

Examiner respectfully disagrees. As stated in the action above, Dooley discloses

at paragraph [0050], lines 12-18, wherein *"The search engine may identify relevant*

websites that have been registered with or located by the particular search engine, and

may return this search results list to the user". Examiner interprets the identifying of

relevant websites that have been registered as demonstrating that the website at one

point in time had to have been submitted for registration in order for the site to already

be registered. To further support the above argued limitation, Dooley disclose at

paragraph [0031], wherein "the selected domain names may be registered, purchased,

and/or leased from the current owner", and paragraph [0056], lines 27-29, wherein

"enhanced placement may be affected by registration of website URLs with Internet

search engines or brokers on their behalf". Examiner interprets the above citations to

correspond to the argued limitation and in particular since the websites are up for

registration it is evident that they have been submitted.

Applicant argues, Dooley does not teach "a program analyzing the Web site code

using the determining ranking methodology".

Examiner respectfully disagrees. To begin, the objective of the Dooley reference

is essentially based on a ranking methodology, as discussed within paragraph [0016],

wherein "According to another embodiment of the present invention, a method for

enhancing a probability of high placement of a webpage by a search engine is

provided". Further, paragraph [0056], lines 1-6, disclose "a combination of elements or

features of the website design may be utilized to enhance high level placement of the

member websites or web pages within search engine results". Examiner interprets the

enhanced high-level placement to correspond to the determination of a ranking

methodology. Also, paragraph [0056], lines 36-40, discloses "enhanced placement may

be attained by the inclusion of a variety of software code elements within the websites

design, which may be weighted favorably by search engines". As such, examiner further

· interprets favorable weighting by the search engine as disclosing a determination of a

ranking methodology.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chelcie Daye whose telephone number is 571-272-

3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
May 16, 2007

APU MOFIZ
SUPERVISORY PATENT EXAMINER